IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.42358-M of 2006

DATE OF DECISION:30.10.2006

Balwinder Singh @ Gurmit Singh & Ors. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri S.K. Chawla, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

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Petitioners Balwinder Singh @ Gurmit Singh and Hamir Singh @ Amir Singh apprehending their arrest in a non-bailable offence in case FIR No. 59 dated 24.3.2006 under Section 420- IPC, registered at Police Station City Kot Kapura, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that in this case, in the year 1994, petitioner No.1 (Balwinder Singh @ Gurmit Singh) took a loan of Rs. 26,000/- from Khestriya Gramin Bank, Kotkapura. In the said transaction, petitioner No.2 (Harmit Singh alias Amir Singh), who is father of petitioner No.1, stood as surety. The allegation against the petitioners in the aforesaid FIR is that they gave false information to the bank while obtaining loan. It is also alleged that actually, the father was not the owner of the property, which he claimed to be his ownership, and the same was transferred to the son. Counsel contends that petitioner No.1 has already

repaid Rs.40,000/- to the bank and there was no intention to give false information to the bank while obtaining loan.

Counsel for the petitioners further contends that in view of the order dated 24.7.2006, the petitioners have joined the investigation. Counsel for the respondent-State on instructions from Balbir Singh, ASI does not dispute this fact and further states that the petitioners are no more required for further interrogation.

In view of the above, the interim bail, granted vide order dated 24.7.2006 is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 30, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**